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In re application of

Masato SHIMADA, et al.

Appln. No. 09/599,440

Confirmation No. 7701

Filed: June 22, 2000

For: INK-JET PRINTER HEADS AND METHOD OF PRODUCING THE SAME

PAPER FILED ENTITLED:

1. RESPONSE TO ELECTION OF SPECIES

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WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER



DOCKET NO. Q59177  
ATTORNEY/SEC: GKR/BCR/drs  
Date Filed: November 21, 2003

Group Art Unit: 3729

Examiner: Alan BOSWELL

2/  
gwd 5/18/04  
#101/2 /Response

**PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of

Docket No. Q59177

Masato SHIMADA, et al.

Appln. No. 09/599,440

Group Art Unit: 3729

Confirmation No. 7701

Examiner: Alan BOSWELL

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For: INK-JET PRINTER HEAD AND METHOD OF PRODUCING THE SAME

**RESPONSE TO ELECTION OF SPECIES**

**FILED**

NOV 21 2003

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The Examiner has identified the application as containing claims directed to 2 distinct species. The Examiner has required the Applicants to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted. The Examiner believes claims 17-23 and 48-51 are generic. Applicants have been advised that a response to this requirement shall include an identification of the species that is elected and a listing of all claims readable thereon.

In response to the Examiner's requirement, Applicants elect with traverse Species A, Figures 4E and 7, for examination on which at least claims 8-12, 17-23 and 40-51 are readable.

Applicants submit that if any of the elected claims are found to be allowable, claims dependent therefrom should be similarly be considered allowable in the same application.

Applicants reserve the right to file a Divisional Application directed to non-elected claims 24-39.

**FAX RECEIVED****MAY 18 2004****GROUP 3700**

## RESPONSE TO ELECTION OF SPECIES

U.S. Application No. 09/599,440

Attorney Docket No. Q59177

As noted above, Applicants elect with traverse and respectfully request that the Examiner reconsider the election requirement, since it appears that the Examiner is misinterpreting and/or mischaracterizing Applicants' Figs. 4E, 7 and 18B-18F.

For example, in the Office Action dated October 21, 2003, the Examiner alleges that Species A (Figs. 4E and 7) is "directed to the feature of the oscillating plate film on one side of the substrate". The Examiner further alleges that Species B (Figs. 18B-18F) is "directed to the feature of the oscillating plate film on an opposite side of the substrate".

Applicants respectfully submit that Figs. 4E, 7 and 18B-18F all illustrate an exemplary oscillating plate film (e.g., a thermal oxide film 102) formed on a first side of a substrate 10. Furthermore, Figs. 4E, 7 and 18B-18F (via Fig. 19) all illustrate that this first side of the substrate 10 is opposite relative to a second side of the substrate 10 wherein pressuring chambers 106 are formed.

Consequently, the distinction alleged by the Examiner does not exist and the Examiner is respectfully requested to withdraw the election requirement.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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**FAX**

Date	May 10, 2004	<b>FAX RECEIVED</b> <b>MAY 18 2004</b> <b>GROUP 3700</b>
To	Examiner Dexter Tugbang	
Of	PTO Group Art Unit 3729	
Fax	703-746-4258	
From	Billy Carter Raulerson	
Subject	<b>COPY OF RESPONSE TO ELECTION OF SPECIES FILED, ORIGINALLY FILED ON NOVEMBER 21, 2003 (including dated-stamped filing receipt)</b>	
Our Ref	Q59177	Appln No. 09/599,440
Conf No	7701	Inventors: Masato SHIMADA, et al.
Pages	4 (including cover sheet)	

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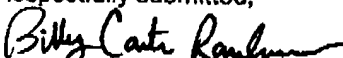
1. This cover sheet;
2. A true copy of the Response to Election of Species, originally filed on November 21, 2003; and
3. A true copy of the OIPE date-stamped filing receipt.

**CERTIFICATION OF TRUE COPIES VIA FACSIMILE TRANSMISSION**

Sir:

I hereby certify that the above identified correspondence is being facsimile transmitted to Examiner Dexter Tugbang at the Patent and Trademark Office on May 10, 2004 at 703-746-4258. Furthermore, items 2 and 3, as listed above, are true copies of the original documents.

Respectfully submitted,

  
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